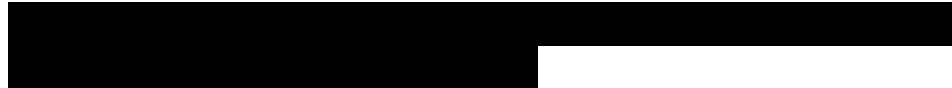




STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 29, 2022

Redondo Beach Firefighters Political Action Committee
Kenneth Campos, David Gould, and Michelle Moore Sanders



Warning Letter Re: FPPC No. 2018-00094; Redondo Beach Firefighters Political Action Committee, Kenneth Campos, David Gould, and Michelle Moore Sanders

Dear Respondents:

The Enforcement Division of the Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”).¹ This letter is in response to a complaint alleging the Redondo Beach Firefighters Political Action Committee (the “Committee”)² failed to timely file certain semi-annual campaign statements and received contributions that were earmarked for certain candidates. Additionally, the Enforcement Division received a filing officer referral for the Committee’s failure to timely file semi-annual campaign statements for the reporting periods ending June 30, 2017 and December 31, 2017. Further, the Enforcement Division investigated whether or not the Committee was required to file as a primarily formed committee.

The Enforcement Division has completed its investigation and determined that the Committee failed to timely file semi-annual campaign statements for the reporting periods ending June 30, 2017³ and December 31, 2017, and failed to timely file as a primarily formed committee, including failing to timely file an amendment to the statement of organization to change its name. Also, the Enforcement Division did not obtain any evidence to support a finding of earmarked campaign contributions.

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¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Throughout 2017, Kenneth Campos served as the Committee’s treasurer and David Gould served as the Committee’s assistant treasurer who verified/signed the campaign statements. From April 2018 to present, Michelle Moore Sanders serves as the Committee’s treasurer.

³ The Committee filed the semi-annual campaign statement for the reporting period ending June 30, 2017 on July 31, 2018, 365 days late. However, the applicable statute of limitations for this violation has expired.

The Act requires general purpose committees to file semi-annual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.⁴

Under the Act, “primarily formed committee” means a recipient committee which is formed or exists primarily to support or oppose any of the following: a single candidate; a single measure; a group of candidates being voted on in the same election; two or more measures being voted on in the same election.⁵ A recipient committee is considered to be “formed or existing primarily to support or oppose” a candidate or measure if the committee makes more than 70% of its total contributions and expenditures on all candidates and measures on those specific candidates or measures during the relevant time period.⁶

A committee that has reason to know it is close to triggering the applicable threshold for changing its status because its spending is concentrated on specific candidates or measures must determine whether it is primarily formed quarterly at the end of March, June, September and December.⁷ For purposes of determining whether it is primarily formed, a committee must count contributions and expenditures made to support or oppose candidates or measure during the immediately preceding 24 months.⁸ An existing general purpose committee is not required to change its filing status to primarily formed committee unless it meets the 70% threshold and it makes at least \$10,000 of contributions and/or expenditures to support or oppose local candidates or measures.⁹

A recipient committee whose status changes between general purpose and primarily formed must amend its statement of organization to reflect the change.¹⁰ A committee primarily formed to support or oppose the recall of an elected officer must identify in the committee name, the name of the elected officer and whether the committee is in support of or opposition to the recall.¹¹ A committee that was primarily formed for the election of a candidate or measure, but after that election continues to exist to support or oppose different candidates or measures in the future, may remove the candidate or measure name from the committee name and change its status following the election.¹²

The Committee violated the Act by failing to timely file a semi-annual campaign statement for the reporting period ending December 31, 2017, by the January 31, 2018 due date.

⁴ Section 84200.

⁵ Section 82047.5.

⁶ Regulation 18247.5, subd. (c)(3).

⁷ Regulation 18247.5, subd. (d)(1).

⁸ Regulation 18247.5, subd. (d)(3).

⁹ Regulation 18247.5, subd. (f)(2).

¹⁰ Regulation 18247.5, subd. (f)(1).

¹¹ Regulation 18531.5, subd. (c)(3).

¹² Regulation 18247.5, subd. (f)(4).

Further, the Committee violated the Act by failing to timely file an amendment to its statement of organization to disclose that the Committee was primarily formed to oppose the recall of a candidate and to change its name to include the elected officer's name and opposition to the recall.

However, the Enforcement Division has decided to close this case with this warning letter because the violations resulted in minimal public harm. The late-filed semi-annual campaign statement reported no activity, the Committee timely filed pre-election campaign statements prior to the October 19, 2022 recall election and reported each of its monetary contributions made to oppose the recall, and while the Committee's status changed, its jurisdiction did not so the Committee filed its campaign statements with the appropriate filing officer. Further, the Committee has no prior history of violating the Act.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourselves of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

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If you need forms or a manual, or guidance regarding their obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov. Please feel free to contact me at JRinehart@fppc.ca.gov or (916) 323-6302 (voicemail) with any questions you may have regarding this letter.

Sincerely,

Jenna Rinehart

Jenna C. Rinehart,
Commission Counsel
Enforcement Division

cc: Eugene Solomon @ efaux1@gmail.com;
City of Redondo Beach @ Jennifer.Igercic@redondo.org; Eleanor.Manzano@redondo.org